

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CHRISTINE BOARDMAN, et al.

Plaintiffs,

v.

SERVICE EMPLOYEES INTERNATIONAL UNION a/k/a/ SEIU, ELISEO MEDINA and DIAN PALMER, Individually and as Co-Trustees of SEIU LOCAL 73, SEIU EMPLOYEES INTERNATIONAL UNION NO. 73 a/k/a SEIU Local 73 and MARY KAY HENRY, Individually and as PRESIDENT OF SEIU,

Defendants.

Case No. 1:18-CV-02728

Related to:

**Hunter v. Service Employees International Union, et al.,
Case No. 1:18-CV-00986**

Judge Pallmeyer

**DEFENDANTS' NOTICE OF SUPPLEMENTAL AUTHORITY IN SUPPORT OF
THEIR MOTION TO DISMISS**

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As supplemental authority in support of Defendants' Motion to Dismiss, Plaintiffs respectfully submit the attached Memorandum Opinion issued on September 27, 2019, in *English et al. v. Service Employees International Union, Local 73, et al.*, Case No. 1:18-CV-5272 (N.D. Ill.) ("Opinion"). In that case, Plaintiffs, all of whom were former employees and members of Local 73, brought suit against Local 73 and Denise Poloyac, formerly one of the Trustees in charge of Local 73, alleging that their terminations were in violation of their rights as union members under the Labor-Management Reporting and Disclosure Act ("LMRDA").

In its Opinion, the district court granted Defendants' Motion to Dismiss, holding that under the applicable Supreme Court and Seventh Circuit case law, the LMRDA does not protect union employees against discharge from employment by an unelected trustee. Op. at 5, 7-8. The district court also held that because plaintiffs' status as union members was derivative of their employment status, plaintiffs' loss of union membership did not give rise to a claim under the LMRDA. *Id.* at 8.

The Opinion thus directly supports Defendants' Motion to Dismiss Counts I and IV of Plaintiffs' Second Amended Complaint, which allege violations of section 101(a)(5) of the LMRDA. See Br. ISO Defs' Mot. Dismiss (ECF No. 47) at 4-6; Reply ISO Defs' Mot. Dismiss (ECF No. 56) at 1-2. Like the plaintiffs in *English*, Plaintiffs here allege that their LMRDA rights as union members were violated when they lost their status as union members as a result of losing their union employment. The district court's Opinion in *English* provides additional authority that Plaintiffs' legal theory as to this claim fails as a matter of law.

Respectfully Submitted,

/s/ Leon Dayan

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Counsel for Defendants

Dated: September 30, 2019

CERTIFICATE OF SERVICE

This certifies that a true and correct copy of the foregoing notice of supplemental authority in support of Defendants' motion to dismiss, was served on the following counsel of record via ECF on this September 30, 2019:

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In addition, I certify that a true and correct copy of the foregoing notice foregoing notice of supplemental authority in support of Defendants' motion to dismiss, was served on the following attorneys in the related case *Hunter v. Service Employees International Union*, 18-CV-00986, by transmitting copies to them by email at the following addresses:

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